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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/529,541

01/13/2006

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029267.56097US

4562

23911 7590 10/01/2009
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EXAMINER

SHECHTMAN, CHERYL MARIA

ART UNIT

PAPER NUMBER

2159

MAIL DATE

DELIVERY MODE

10/01/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/529,541	Applicant(s) SUMIZAWA ET AL.	
	Examiner CHERYL M. SHECHTMAN	Art Unit 2159	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 14-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 14-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to RCE filed August 20, 2009. Claims 1-11 and 14-22 are pending. Claim 1 is amended. Claims 12 and 13 are cancelled.

Response to Arguments

2. Referring to the 35 USC 112 second paragraph rejections of claims 1-22, Applicant's amendments are acknowledged. As such, the 35 USC 112 second paragraph rejections of the claims have been withdrawn.

3. Referring to claim 1, Applicant argues that Saeki fails to teach road data in correspondence to each of a plurality of map area blocks, specifically that the cited 'figure parts' of Saeki do not correspond to map area blocks. However, Examiner respectfully disagrees. Saeki discloses that the map data is divided into figure parts constituting map data (col. 8, lines 24-31). Examiner respectfully submits that the figure parts of the map data are portions of the divided map and are therefore map area blocks. As such, Examiner maintains that Saeki discloses road data in correspondence to each of a plurality of map area blocks.

4. Referring to claim 1, Applicant argues that Saeki fails to teach integrated name data that provides common name information for a single road in common with the map area blocks. However, Examiner respectfully disagrees. Saeki discloses that the figure parts map data is registered within the map database unit together with common road data for roads within the map in question (see Fig. 2B, col. 8, lines 27-36). Saeki also discloses storing integrated name data for the figure parts of map area blocks in the

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form of names of roads (see attribute information, col. 8, lines 51-56, see also Fig. 2B).

Examiner submits that the common road designation given to roads as shown in Fig 2B is common name information for a road in a map. Furthermore, Examiner submits that because the figure parts data of Saeki correspond to map area blocks, the common road information registered with the figure parts of the map also correspond to a road in common with the map area blocks. As such, Examiner maintains that Saeki discloses integrated name data that provides common name information for a single road in common with the map area blocks.

5. Referring to claim 2, Applicant argues that Saeki fails to teach map layers set in correspondence to different specific scaling factors. However, Examiner respectfully disagrees. Saeki discloses setting static priority levels to different map layers (col. 8, lines 7-13; Fig. 2B and 3). Examiner respectfully submits that the setting of priority levels to map layers *is* assigning scaling factors to the layers – this is because the layers have to be sorted or scaled by their relevance or importance. Furthermore, Saeki discloses that parts are assigned to different priority settings (see Fig. 4). As such, Examiner maintains that Saeki discloses map layers set in correspondence to different specific scaling factors.

6. Referring to claim 2, Applicant argues that Saeki fails to teach that the integrated name data provides the common name information for the single road in common with the plurality of map layers as well. However Examiner respectfully disagrees. Saeki discloses setting priority settings to common road name within the map areas (Fig. 2B). Examiner submits that since the common name road information correspond to the map

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area blocks, they also correspond to the map layers since the map layers essentially are portions of the map area blocks. As such, Examiner maintains that Saeki discloses that the integrated name data provides the common name information for the single road in common with the plurality of map layers as well.

7. The rejections of all remaining claims are also maintained for the same reasons as the claims addressed above.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1-22 rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for *a single set of name data for a road* (see para. 44 of the instant specification), does not reasonably provide enablement for a *single road* in common with the map area blocks. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make or use the invention commensurate in scope with these claims.

Due to the 35 USC 112 deficiencies stated above, claims have been examined as best understood by the Examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-11 and 14-22 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Number 6,320,518 issued to Saeki et al (hereafter Saeki), as disclosed by Applicant.

Referring to claim 1, Saeki discloses a computer readable storage medium having stored therein distribution map data used to distribute a map through communication (map data, Abstract; see Fig. 1), the distribution map data comprising:

- road data in correspondence to each of a plurality of map area blocks (figure parts, col. 3, lines 22-24), wherein the road data provides position information indicating positions of roads within the map area blocks (figure parts registered with combined information such as coordinate information, col. 8, lines 24-64); and
- integrated name data that provides common name information for a single road in common with the map area blocks (common road information stored with figure parts, see Fig. 2B; col. 8, lines 27-36 and 51-56).

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Referring to claim 3, Saeki discloses a distribution map data generating method for generating distribution map data used to distribute a map through communication (map data, Abstract; col. 6; see Fig. 1), comprising:

- extracting road data (figure parts, col. 3, lines 22-24) and name data over map area blocks to indicate a route passing through the map area blocks (attribute information such as name of a road, col. 8, lines 24-64, see Fig. 2A), from road map data that provides position information indicating positions of roads in each of the map area blocks (coordinate information, col. 8, lines 24-64; see supplemental node list Fig. 2A) and that provides name information indicating names in each of the roads in the map area blocks (col. 8, lines 51-56, see Fig. 2A);
- generating integrated name data by integrating name information for a single road in the extracted name data, so as to provide common name information for the single road in common with the map area blocks (common road information, see Fig. 2B); and
- generating the distribution map data by using the extracted road data and the integrated name data (figure parts are stored together with combined information as map data in the map database unit, col. 8, lines 51-67, Fig. 2A-B).

Referring to claim 6, the claim is similar to claim 3 in the form of an apparatus (Abstract) and is hereby rejected for the same reasons as claim 3 addressed above.

Referring to claims 2, 4, and 7, Saeki discloses that the distribution map data includes the road data in each of a plurality of map layers set in correspondence to different specific scaling factors (priority settings, col. 8, lines 7-13; col. 10, lines 38-55, Fig. 2B, 3, 4 and 10; col. 2, lines 30-36) and the integrated name data provides the common name information for the road in common with the plurality of map layers as well (static priority settings are set for common road name, see Fig. 2B).

Referring to claims 5, 8, 14 and 15, Saeki discloses that the route is determined as a road from a start point to an end point based upon the road data; and when extracting the road data and the name data indicating the route, road data and name data contained in an area ranging over a predetermined width along the route are extracted based upon the road map data (higher priority setting made for objects within range 50m-100m, col. 13, line 37 – col. 14 line 47; see also col. 16, line 52- col. 17, line 14; Fig 15 and 17; col. 19, line 57 – col. 20, line 36, Fig. 8).

Referring to claims 9 and 16-18, Saeki discloses a reception device that receives the distribution map transmitted from an external source and a display device that displays the route on a monitor based upon the road data in the received distribution map data and that displays names of roads on the route based upon the integrated name data in the received distribution map data (mobile terminal receives and displays map information, col. 15, lines 18-25, Fig. 16; col. 20, lines 28-36; Fig. 1 and corresponding portions of specification).

Referring to claims 10 and 19-21, Saeki discloses a first position determining device that determines display positions at which the names of the roads on the route are displayed by the display device based on the road types of the roads on the route (priority setting can be made by road type, col. 8, lines 27-67, see Fig. 2A-B).

Referring to claims 11 and 22, Saeki discloses a second position determining device that determines display positions at which the names of the roads on the route are displayed by the display device so as to orient the names paralleled to inclinations of the route (target overlap display, col. 1, lines 34-62; col. 9, line 61 – col. 10, line 8).

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl M Shechtman who can be reached on (571) 272-4018. The examiner can normally be reached on 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trujillo can be reached on (571) 272-3677. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 29, 2009

/Cheryl M Shechtman/

Examiner, Art Unit 2159

/Wilson Lee/

Primary Examiner, Art Unit 2163